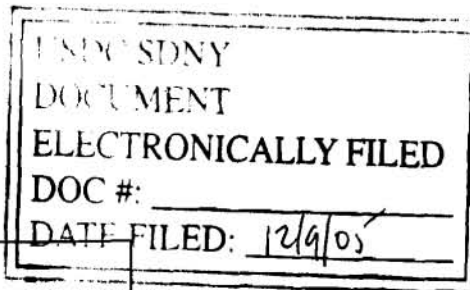


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

Case No. 05-CR-621 (KMK)

ORDER

KENNETH M. KARAS, District Judge:


For reasons to be stated on the record on December 14, 2005, Defendants' motion for a *Franks* hearing is DENIED. It is further

ORDERED that the Government present an agent at the December 14, 2005 hearing who can testify regarding the execution of the May 26, 2005 search. It is further

ORDERED that by noon on Tuesday, December 13, 2005, Defendant Tanaka must explain (through affidavit or otherwise) why he has standing to challenge the search. *See United States v. Cella*, 568 F.2d 1266, 1283 (9th Cir. 1977) (declining to find standing where defendant corporate officer did not spend a "considerable amount of time" at the premises searched).

SO ORDERED.

Dated: December 9, 2005
New York, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE